

WILLIAM G. MALCOLM, #129271
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 Telephone
(949) 252-1032 Fax

**Attorneys for Secured Creditor,
EMC MORTGAGE CORPORATION**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

HECTOR A. SANDOVAL

Debtor.

Bankruptcy Case No. 10-14087

Chapter 13

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

CONFIRMATION HEARING:

DATE: January 12, 2011

TIME: 1:30 PM

PLACE: Santa Rosa Courtroom-Jaroslosky

**TO THE HONORABLE ALAN JAROSLOVSKY, UNITED STATES BANKRUPTCY
COURT JUDGE, THE CHAPTER 13 TRUSTEE, THE DEBTOR'S COUNSEL AND THE
DEBTOR:**

EMC Mortgage ("EMC") as servicer for Wells Fargo Bank, National Association as Trustee for the Certificate holders of Structured Asset Mortgage Investments II Inc., Bear Stearns Mortgage Funding Trust 2007-AR3 Mortgage Pass-Through Certificates, Series 2007-AR3, hereby objects to confirmation of the Debtor's Chapter 13 Plan.

Wells Fargo is the holder of a claim secured only by a security interest in real property commonly known as 19208 Deer Hill Road, Hidden Valley Lake, California, which is the Debtor's principal residence. The total amount that is due and owing under the Promissory Note is approximately \$402,796.81 and the pre-petition arrearage owed is approximately \$26,342.64. EMC

1 objects to the Debtor's Plan on the following grounds:

2 The Debtors' Plan does not provide for the curing of the pre-petition arrearages owed to
3 EMC. As the Debtors' Plan does not provide for the cure of the pre-petition arrearages owed, the
4 Debtors' Plan is infeasible and does not satisfy §1322(b)(5). Additionally, the Debtors' Plan
5 significantly understates the monthly payment owed to EMC. The Debtors' Plan provided for
6 monthly payments in the amount of \$1,138.00, however, the currently monthly mortgage payment
7 amount, as of October 1, 2009, is \$1,606.11.

8 Based on the foregoing, EMC respectfully requests that the Court deny confirmation on the
9 Debtors' Chapter 13 Plan or order that the Chapter 13 Plan be amended to provide for payments of
10 EMC's pre-petition arrearages and to list the correct monthly payment amount.

11 DATED: December 29, 2010

Respectfully Submitted,

12 MALCOLM CISNEROS, A Law Corporation

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14 /s/William G. Malcolm
15 WILLIAM G. MALCOLM
16 Attorney for Secured Creditor,
17 **EMC MORTGAGE CORPORATION**
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) ss.

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine, California, 92612.

On December 29, 2010, I served the following document described as **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Irvine, California (**and via telecopy or overnight mail where indicated**), addressed as follows:

Hector A. Sandoval
P.O. Box 693
Angwin, CA 94508

Daniel B. Beck
Beck Law, P.C.
2681 Cleveland Ave.
Santa Rosa, CA 95403

David Burchard
393 Vintage Park Drive Suite 150
Foster City, CA 94404

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 29, 2010, at Irvine, California.

/s/Lorena Farias
LORENA FARIAS